

Order

Michigan Supreme Court
Lansing, Michigan

March 29, 2006

Clifford W. Taylor,
Chief Justice

129871

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DOROTHY N. MALLORY,
Plaintiff-Appellee,

v

SC: 129871
COA: 262626
WCAC: 04-000307

MOKA CORPORATION,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 13, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE that portion of the Workers' Compensation Appellate Commission decision affirming the magistrate's finding of the specific loss of plaintiff's left arm and hand, and we REMAND this case to the magistrate for reconsideration of plaintiff's specific loss claim in light of *Cain v Waste Management, Inc (After Remand)*, 472 Mich 236 (2005). If the magistrate should find that plaintiff did not demonstrate the specific loss of her left arm and hand, she shall also address whether plaintiff unreasonably refused offers of reasonable employment during all relevant periods, up to the time of hearing, when such offers were made—an issue the magistrate categorized as moot because of her original specific loss determination.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 29, 2006

Corbin R. Davis

Clerk